



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,458	02/10/2004	John Scott Heuvel	049220-9006-00	1353

23409 7590 03/28/2007  
 MICHAEL BEST & FRIEDRICH, LLP  
 100 E WISCONSIN AVENUE  
 Suite 3300  
 MILWAUKEE, WI 53202

EXAMINER
----------

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
----------	--------------

3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/775,458

**Applicant(s)**

HEUVEL ET AL.

**Examiner**

Chi Q. Nguyen

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/18/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: attachment.

### **DETAILED ACTION**

This Office action is in response the applicant's patent application filed on 2/10/2004.

#### ***Claim Objections***

Claims 1-5, and 17-20 are objected to because of the following informalities: in line 7 of claim 1 and claim 17, respectively, a citation "the distance" does not have antecedent basis. Appropriate correction is required. Claims 2-5 and 18-20 are depending upon the objected claims 1 and 17<sup>are</sup> also objected.

Claim 21 is objected to because of the following informalities: the citation "the decks" in lines 10-11. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 1,999,783 to Riesbol.

Claims 1-4:

Riesbol discloses in Fig. 2, a pre-formed concrete section 10 comprising a deck (wherein 10 points to) including a first side, a second side opposite the first side, and a width extending between the first and second sides, a top surface, a bottom surface opposite the top surface, and a thickness extending between the top and bottom

Art Unit: 3635

surfaces, and a first leg 11 and a second leg 11 projecting from the bottom surface, a distance in a direction substantially parallel to the deck.

Riesbol discloses the basic structures for the concrete section as stated but does not specifically disclose a distance from the center of the first leg to the center of the second leg being more than two, three, four, or more than four times greater than the distance from the first side to the center of the first leg. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature.

Claim 5:

Riesbol discloses the basic structures for the concrete section as stated but does not specifically disclose a distance between the center of the first leg and the center of the second leg is more than half the width of the deck. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature.

Claims 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 1,999,783 to Riesbol in view of US Pat. No. 3,168,771 to Nelson.

Claims 6-7, 17:

Riesbol discloses in Fig. 2, a pre-formed concrete section 10 comprising a deck (wherein 10 points to) including a first side, a second side opposite the first side, and a width extending between the first and second sides, a top surface, a bottom surface

Art Unit: 3635

opposite the top surface, and a thickness extending between the top and bottom surfaces, a first leg 11 and a second leg 11 projecting from the bottom surface, the deck further comprising a first outer portion F (see attachment of Fig. 2) extending generally from the first leg toward the first side, a second outer portion S extending generally from the second leg toward the second side, and a central portion disposed between the first and second legs, the thickness of the deck being substantially constant as the central portion extends along at least a portion of the width of the deck. Riesbol does not teach expressly a thickness of a deck generally decreasing as the first outer portion and second portion extend inwardly from the first the first leg and second leg to the central portion, respectively. Nelson discloses in Figs. 3-4, a pre-formed concrete section having two outer portions on either side of a leg 40, a thickness of a deck 90 decreasing as the first and second portion extend inwardly from the leg toward the central portion. In view of Nelson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Riesbol's pre-formed concrete section with tapered end outer portions for providing a clearance for bridge pathway construction.

Claims 8-9:

Riesbol in view of Nelson disclose the basic structures for the pre-formed concrete section as stated and further including the thickness of the deck at the first side and second side are less than the thickness of the deck at the central portion since both of the outer side portions are tapered therefore the thickness are decreased constantly.

Claims 10-11:

Riesbol in view of Nelson disclose the basic structures for the pre-formed concrete section as stated but does not specifically disclose the width of the deck is about 17-19'. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature.

Claims 12-15 and 18-20:

Riesbol in view of Nelson disclose the basic structures for the pre-formed concrete section as stated but do not disclose a distance from the center of the first leg to the center of the second leg being more than two, three, four, or more than four times greater than the distance from the first side to the center of the first leg. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature.

Claim 16:

Riesbol in view of Nelson disclose the basic structures for the pre-formed concrete section as stated but do not specifically disclose a distance between the center of the first leg and the center of the second leg is more than half the width of the deck. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. No. 2003/0140590 to Lancelot et al.

Claim 21:

Foster discloses in Fig. 3A, a plurality of pre-formed concrete members or sections 12, each section 12 being a unitary construction comprises a deck 141 including a first side, a second side opposite the first side, and a width extending between the first and second sides, a top surface, a bottom surface opposite the top surface, and a thickness extending between the top and bottom surfaces, and a first leg 18 and a second leg 18 projecting from the bottom surface, wherein two sections 14 are connected to one another with the deck of each section being substantially co-planar and the second side of the deck of a first section is being connected to the first side of the deck of a second section adjoining the first section, the distance, in a direction substantially parallel to the deck of each section.

Foster discloses the basic structures for the concrete section as stated but does not specifically disclose from the center of the first leg to the second leg of the first section is greater than the distance from the center of the second leg of the first section to the center of the first leg of the second section adjoining the first section. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached at (571) 272-6842.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN  
3/12/2007

  
JEANETTE E. CHAPMAN  
PRIMARY EXAMINER  
GROUP 34003635



**April 30, 1935.**

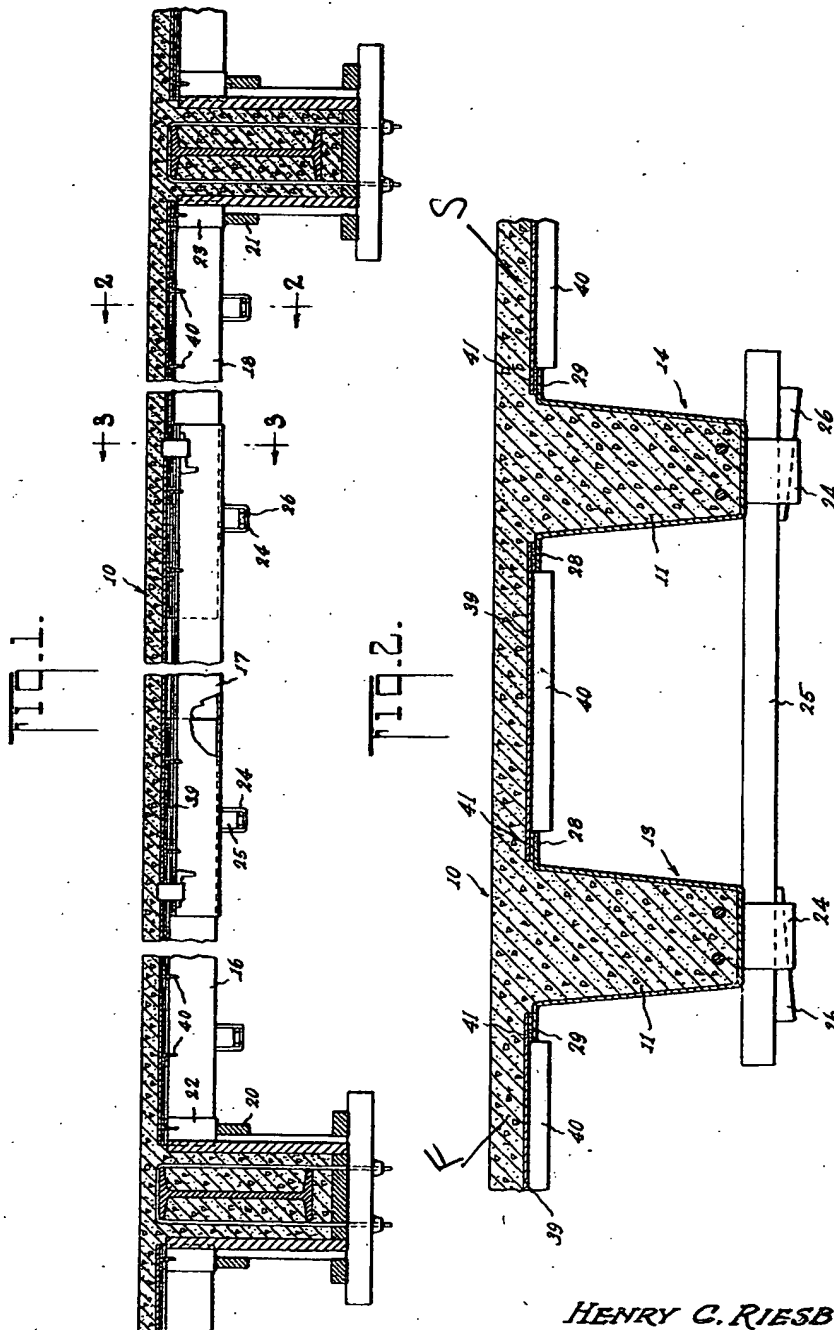
H. C. RIESBOL

**1,999,783**

CONCRETE FLOOR FORM

Filed April 17, 1931

3 Sheets-Sheet 1



**HENRY C. RIESBOL**  
INVENTOR

BY *Victor J. Evans*  
Attorney

WITNESS:  
J. Frank